

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Rachel Kaltenbach, et al.,

Plaintiffs,

v.

**Hilliard City Schools Board
of Education, et al.,**

Defendants.

Civil Action 2 :23-cv- 00187

Judge Michael H. Watson

Magistrate Judge Kimberly A. Jolson

AMENDED RULE 26(f) REPORT

Pursuant to Federal Rule of Civil Procedure 26(f) and the Court's request that the parties submit a scheduling order, a meeting was held on September 27, 2023 and was attended by:

Joshua J. Brown, counsel for plaintiffs,

Jessica K. Philemond, counsel for defendants

Brandon Abshier, counsel for defendants

Counsel represent that, during the meeting, they engaged in a meaningful attempt to meet and confer on the matters outlined below.

1. **CONSENT TO MAGISTRATE JUDGE**

Do the parties consent to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c)?

 Yes X No

2. **INITIAL DISCLOSURES**

Have the parties agreed to make initial disclosures?

X Yes No The proceeding is exempt under Rule 26(a)(1)(B)

If yes, such initial disclosures shall be made by Already completed.

3. VENUE AND JURISDICTION

Are there any contested issues related to venue or jurisdiction?

X Yes No

If yes, describe the issue:

Defendants plan to file a motion to dismiss regarding, in part, standing.

If yes, the parties agree that any motion related to venue or jurisdiction shall be filed by: October 3, 2023.

4. PARTIES AND PLEADINGS

- a. The parties agree that any motion or stipulation to amend the pleadings or to join additional parties shall be filed by October 31, 2023.
- b. If the case is a class action, the parties agree that the motion for class certification shall be filed by N/A.

5. MOTIONS

- a. Are there any pending motion(s)?

 Yes X No

If yes, indicate which party filed the motion(s), and identify the motion(s) by name and docket number:

- b. Are the parties requesting expedited briefing on the pending motion(s)?

 Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by ; Reply brief to be filed by .

6. ISSUES

Jointly provide a brief description of case, including causes of action set forth in the complaint, and indicate whether there is a jury demand:

Plaintiffs are parents of current and former students of Hilliard School District. Parents allege the actions of the District have violated their rights to control the upbringing of their children. Plaintiffs are seeking a declaratory judgment and injunctive relief. Plaintiff Senchesak has alleged claims for violation of 42 U.S.C. 1983 related to familial integrity and freedom of conscience along with a

claim for Intentional Infliction of Emotional Distress.

A jury demand was made.

7. DISCOVERY PROCEDURES

- a. The parties agree that all discovery shall be completed by: July 31, 2024
The Parties agree to schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and to file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court. To initiate a telephone conference, counsel are directed to join together on one line and then call the Magistrate Judge's chambers or provide the Court with a call -in number.

- b. Do the parties anticipate the production of ESI? X Yes No

If yes, describe the protocol for such production:

The parties will jointly prepare an agreed ESI and protective order for submission.

- c. Do the parties intend to seek a protective order or clawback agreement?

If yes, such order or agreement shall be produced to the Court by: October 15, 2023

8. DISPOSITIVE MOTIONS

- a. Any dispositive motions shall be filed by: August 30, 2024.
- b. Are the parties requesting expedited briefing on dispositive motions?

 Yes X No

If yes, identify the proposed expedited schedule:

Opposition to be filed by _____; Reply brief to be filed by _____.

9. EXPERT TESTIMONY

- a. Primary expert reports must be produced by: May 1, 2024.
- b. Rebuttal expert reports must be produced by: July 1, 2024.

10. SETTLEMENT

Plaintiffs have not yet made a settlement demand.

11. RULE 16 PRETRIAL CONFERENCE

Do the parties request a scheduling conference?

 Yes, the parties would like a conference with the Court prior to it issuing a scheduling order. The parties request that the conference take place by telephone.

 X No, a conference is not necessary; the Court may issue a scheduling order after considering this Report.

12. OTHER MATTERS

Defendants request a quarterly accounting of Plaintiffs' attorney fees to date. Plaintiff stipulates to same.

Signatures:

Attorney for Plaintiff(s):

/s/ Joshua Brown (0089836)
Attorney for Plaintiffs

Attorney for Defendant(s):

/s/ Jessica K. Philemond (0076761)

/s/ Brandon Abshier (0083505)

Attorneys for Defendants